

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) CASE NO. CR 20-092 JCC
)
Plaintiff,)
)
v.) DETENTION ORDER
)
LUIS ARTURO MAGANA-RAMIREZ,)
)
Defendant.)
_____)

Offenses charged in Superseding Indictment, returned August 6, 2020:

Count 1: Conspiracy to Distribute Controlled Substances, including methamphetamine, heroin and fentanyl. Specific quantities alleged: 50 grams or more of methamphetamine; 500 grams or more or a mixture or substance containing a detectable amount of methamphetamine; one kilogram or more of a mixture or substance containing a detectable amount of heroin; and 400 grams or more of a mixture or substance containing a detectable amount of fentanyl

Count 3: Attempted possession, with intent to distribute, of methamphetamine and heroin. Specific quantities alleged: 50 grams or more of methamphetamine; and 500 grams or more of

01 a mixture or substance containing a detectable amount of methamphetamine; and one
02 kilogram or more of a mixture or substance containing a detectable amount of heroin; all in
03 furtherance of the conspiracy alleged in Count One.

04
05 **Count 9:** Knowing himself to be an alien illegally and unlawfully in the United States,
06 defendant possessed firearms and ammunition, all of which had been shipped in interstate and
07 foreign commerce; specifically, two pistols, and a total of 124 rounds of six different
08 varieties of ammunition.

09
10 Date of Detention Hearing: Begun August 7, 2020; continued to August 21, 2020 and
11 completed on that date. The hearing was recessed to afford defendant an adequate
12 opportunity to consult with his counsel before and during the detention hearing.

13 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
14 based upon the factual findings and statement of reasons for detention hereafter set forth,
15 finds that no condition or combination of conditions which defendant can meet will
16 reasonably assure the appearances of defendant as required and the safety of other persons
17 and the community.

18
19 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

20 (1) The charges in the Superseding Indictment create a rebuttable presumption
21 that defendant should be detained pending resolution of this case. Defendant
22 has alleged some facts, and has presented argument in opposition to the

01 presumption. But the presumption remains as a factor the court should
02 consider.

03 (2) In addition, as detailed below, the United States has made a strong showing
04 that defendant, if released, would present a significant risk of flight, and a
05 significant danger to other persons and the community.

06 (3) The court therefore concludes that defendant has not adequately rebutted the
07 presumption for detention; and that the showing by the United States
08 overwhelmingly establishes that he should be detained.

09 FLIGHT RISK

10 (4) Defendant lives in Fife, WA with his wife and two children. One child is
11 autistic.

12 (5) The United States alleges that defendant is an alien; is present in this country
13 illegally; and will be deported at the conclusion of the case, regardless of
14 outcome. An immigration detainer has been lodged. Defendant alleges he has
15 valid travel documents; but has presented nothing in support of this allegation.
16 He acknowledges he was born in Mexico, and makes no specific showing as to
17 his legal status in the country.

18 (6) Defendant is a journeyman union carpenter and installs drywall and framing.
19 The United States counters that, during surveillance defendant and his
20 telephone during the 2020, he was never observed going to or from a
21 construction site, doing any construction work, driving a construction vehicle,
22 or being dressed for construction work. Defendant has presented financial

01 records to indicate that he worked for at least one week in 2020 prior to his
02 arrest. But the records defendant has presented do not establish that he derived
03 any more than minimal income from his employment in 2019 or 2020.

- 04 (7) If convicted of the charges against him, he faces the possibility of a sentence of
05 life imprisonment on each of Counts 1 and 3, and a mandatory minimum
06 sentence of ten years of each of these counts. He also faces an additional
07 sentence on Count 9. If he were to be convicted, he will be deported when he
08 concludes his sentence. Even if he is acquitted on all charges, he will be
09 deported. Despite the current presence of his wife and children in the area,
10 there is little incentive for him to remain and to make his court appearances if
11 the court releases him prior to trial. Electronic location monitoring and other
12 conditions the court might impose would not provide reasonable assurance he
13 would make those future court appearances.

14
15 DANGER TO OTHER PERSONS AND THE COMMUNITY

- 16 (8) There are three bases for the Court's concerns about the danger defendant
17 would pose if he were released prior to trial: (a) his specific threats and
18 attempts to kill or harm others during the investigation of this case; (b) his
19 alleged illegal possession of three pistols and extensive ammunition; and (c)
20 his alleged major role in a conspiracy to distribute large quantities of
21 methamphetamine, heroin, and fentanyl.

- 22 (9) Wiretaps indicated that defendant was and is a leader of the drug trafficking

01 organization, and directed other members to kidnap a participant (and co-
02 defendant) named Barbosa, who owed money to the organization. Defendant
03 offered \$10,000 “for Barbosa’s head.” Defendant said he intended to kill
04 Barbosa and his entire family, and made arrangements to supply firearms to
05 others in the conspiracy for this purpose. Later, other members of the
06 conspiracy persuaded defendant to “just beat him up,” instead. Law
07 enforcement arrested Barbosa on an outstanding warrant, to protect him. But
08 he has since been released, and remains at large. He is therefore at risk of harm
09 from defendant . Wiretaps also revealed discussions by defendant about harm
10 defendant intended to do to at least one other person who owed money to the
11 organization.

12 (10) A search of defendant’s residence on July 28, 2020 yielded the firearms and
13 ammunition charged in Count 9, along with drugs and cash.

14 (11) At least seven circuits have held the risk of continued drug dealing poses a
15 danger to the community. While the Ninth Circuit has not specifically so
16 ruled, there is no holding from any circuit to the contrary.

17 (12) Defendant emphasizes the fact that defendant has no criminal record.

18 (13) The Pretrial Services Office recommends defendant’s release on conditions
19 which are designed to address the court’s concerns about flight risk and
20 danger. With due respect to the views of the Pretrial Services Office, the court
21 does not conclude there is any reasonable assurance defendant would *comply*
22 with those these conditions. Release on these conditions would therefore not

01 reasonably assure defendants future appearances, or the safety of other persons
02 and the community.

03
04 RISKS THAT CONTINUED DETENTION
05 MIGHT PRESENT TO DEFENDANT'S HEALTH AND SAFETY


06 (14) Defendant argues that his continued detention presents serious risks to his
07 health and safety. This is a particularly troubling issue, as the number of
08 inmates and staff testing positive for coronavirus and COVID 19 at the Federal
09 Detention Center SeaTac continues to rise. But the staff of that facility, and of
10 the Federal Bureau of Prisons generally, have the responsibility to take all
11 possible measures to protect inmates (and staff). The court is satisfied they are
12 discharging that responsibility, to the best of their ability, in very difficult
13 circumstances. It would not be appropriate for the court to suspend application
14 of the Bail Reform Act and release pretrial defendants who otherwise would be
15 detained by application of the standards of that Act.

16
17 It is therefore ORDERED:

- 18
19 1. Defendant shall be detained pending trial and committed to the custody of the
20 Attorney General for confinement in a correction facility separate, to the extent
21 practicable, from persons awaiting or serving sentences or being held in custody
22 pending appeal;

- 01 2. Defendant shall be afforded reasonable opportunity for private consultation with
02 counsel;
- 03 3. On order of the United States or on request of an attorney for the Government, the
04 person in charge of the corrections facility in which defendant is confined shall deliver
05 the defendant to a United States Marshal for the purpose of an appearance in
06 connection with a court proceeding; and
- 07 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel
08 for the defendant, to the United States Marshal, and to the United States Pretrial
09 Services Officer.

10 DATED this 21st day of August, 2020.

11
12 
13 JOHN L. WEINBERG
14 United States Magistrate Judge
15
16
17
18
19
20
21
22